

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

TOMMY STEELE, DANNY STEELE, §  
JOSE PONCE, PABLO PONCE, §  
MANUEL PONCE, GARLAND TOSH, §  
HUMBERTO RODRIGUEZ, §  
FRANCISCO DIAZ, AND ERICK §  
GONZALEZ, §  
*Plaintiffs,* §  
§  
§  
§  
§  
§  
§

v. § Case No. 6:24-cv-00505-JCB-KNM  
§ Jury

DREBCO DIRECTIONAL, LLC, §  
DREBEN GEARNER, III, AND KARA §  
GEARNER, §  
*Defendants.* §

**DEFENDANTS' VERIFIED SUMMARY**

Defendants Drebco Directional, LLC, Dreben Gearner, III, and Kara Gearner file the following in compliance with the *Scheduling Order (FLSA Case)* (ECF No. 13) at p. 1, no. 2.

**I. "Serve ... and file"**

The *Scheduling Order* reads in pertinent part, "Defendant[s] shall serve on Plaintiff[s] and file with the Court **a Verified Summary** of all hours worked during each relevant pay period, the rate of pay and wages paid, including overtime pay, if any." (Bold font added).

**A. Diaz, Francisco**

1. Relevant Pay Period – From 08.21.23 to 11.01.24.
2. Rate of Pay -- \$350.00 per day.
3. Wages Paid, Including Overtime Pay, If Any –

<u>Pay Date</u>	<u>Amount</u>	<u>Pay Date</u>	<u>Amount</u>
11.04.24	1,750.00	04.01.24	1,500.00

10.28.24	2,100.00	03.26.24	2,100.00
10.21.24	2,100.00	03.25.24	1,800.00
10.14.24	1,400.00	03.18.24	0,900.00
10.07.24	2,100.00	03.11.24	2,100.00
09.30.24	1,750.00	03.04.24	1,500.00
09.23.24	2,400.00	02.19.24	1,500.00
09.16.24	1,750.00	02.12.24	1,500.00
09.09.24	1,400.00	02.05.24	1,650.00
09.02.24	2,100.00	01.29.24	1,650.00
08.26.24	2,100.00	01.22.24	1,800.00
08.19.24	2,100.00	01.15.24	1,500.00
08.12.24	1,400.00	01.08.24	1,050.00
08.05.24	2,100.00	12.26.23	1,500.00
07.29.24	2,100.00	11.13.23	1,500.00
07.22.24	1,800.00	11.06.23	1,350.00
07.15.24	2,100.00	11.01.23	0,720.00
07.08.24	1,200.00	10.30.23	1,200.00
07.01.24	1,800.00	10.23.23	1,500.00
06.24.24	1,800.00	10.16.23	1,500.00
06.17.24	1,800.00	10.10.23	0,900.00
06.10.24	2,100.00	10.02.23	1,200.00
06.03.24	1,750.00	09.25.23	1,350.00
05.27.24	1,200.00	09.18.23	1,500.00

05.20.24	1,650.00	09.12.23	1,200.00
05.13.24	1,800.00	09.05.23	1,500.00
05.06.24	1,800.00	08.28.23	1,500.00
04.29.24	1,800.00		
04.22.24	1,800.00		
04.08.24	1,800.00		

**B. Gonzalez, Erick**

1. Relevant Pay Period – from 04.30.24 to 07.09.24
2. Rate of Pay -- \$200.00 per day.
3. Wages Paid, Including Overtime Pay, If Any –

<u>Pay Date</u>	<u>Amount</u>	<u>Pay Date</u>	<u>Amount</u>
07.15.24	1,200.00	06.03.24	Did Not Work
07.08.24	0,600.00	05.27.24	0,600.00
07.01.24	1,200.00	05.20.24	0,600.00
06.24.24	1,200.00	05.13.24	Did Not Work
06.17.24	0,600.00	05.16.24	0,200.00
06.10.24	Did Not Work		

**C. Ponce, Jose**

1. Relevant Pay Period – From 08.07.23 to 10.18.24.
2. Rate of Pay -- \$450.00 per day.
3. Wages Paid, Including Overtime Pay, If Any –

<u>Pay Date</u>	<u>Amount</u>	<u>Pay Date</u>	<u>Amount</u>
10.21.24	0,900.00	03.25.24	2,700.00

10.14.24	2,700.00	03.18.24	1,575.00
10.07.24	1,350.00	03.14.24	2,700.00
09.30.24	2,250.00	03.11.24	2,700.00
09.23.24	2,700.00	02.26.24	3,150.00
09.16.24	2,925.00	02.19.24	2,250.00
09.09.24	2,250.00	02.12.24	3,150.00
09.02.24	2,700.00	02.05.24	2,475.00
08.26.24	2,725.00	01.29.24	2,475.00
08.19.24	2,925.00	01.22.24	2,700.00
08.12.24	3,150.00	01.15.24	2,250.00
08.05.24	2,700.00	01.08.24	1,800.00
07.29.24	2,700.00	12.22.23	2,250.00
07.22.24	2,700.00	11.17.23	1,800.00
07.15.24	2,750.00	11.03.23	2,700.00
07.08.24	2,000.00	10.20.23	2,250.00
07.01.24	2,550.00	10.17.23	2,250.00
06.24.24	0,900.00	10.07.23	2,025.00
06.17.24	2,450.00	10.02.23	1,500.00
06.10.24	2,900.00	09.29.23	1,800.00
06.13.24	2,700.00	09.26.23	2,475.00
05.27.24	0,450.00	09.19.23	2,250.00
05.20.24	2,150.00	09.14.23	2,050.00
05.13.24	3,175.00	09.06.23	2,000.00

05.06.24	2,250.00	08.24.23	2,750.00
04.29.24	2,250.00	08.11.23	2,700.00
04.22.24	2,700.00	08.04.23	2,250.00
04.15.24	2,700.00		
04.08.14	2,700.00		
04.01.24	2,700.00		

**D. Ponce, Manuel**

Drebco has no contractor by this name. On February 14, 2025, counsel for Plaintiffs transmitted an email to the undersigned counsel which states the following, in part -- “For clarification, your clients may know . . . Manny Ponce as having the last name ‘Bocanegra’ or ‘Ponce-Bocanegra’.” That may be true.

However, the Social Security Number Verification System shows that name Manuel Ponce, one of the named Plaintiffs, “failed,” i.e., the name “does not match Social Security Administration’s records.” On the other hand, the Social Security Administration has “verified” the name “Bocanegra,” yet “Bocanegra” is not party to this lawsuit. The undersigned counsel is serving counsel for Plaintiffs with the result of a check with the Social Security Number Verification System.

Defendants do not oppose any motion brought by Plaintiffs for leave to amend their pleading and identify the Plaintiffs properly. Once that occurs, Defendants will produce the information required by the *Scheduling Order (FLSA Case)*. Nevertheless, it is up to counsel for Plaintiffs to identify his clients correctly.

**E. Ponce, Pablo**

Drebco has no contractor by this name. On February 14, 2025, counsel for Plaintiffs  
**Defendants’ Verified Summary**

transmitted an email to the undersigned counsel which states the following, in part -- “For clarification, your clients may know . . . Pablo . . . Ponce as having the last name ‘Bocanegra’ or ‘Ponce-Bocanegra’.” That may be true.

However, the Social Security Number Verification System shows that name Manuel Ponce, one of the named Plaintiffs, “failed,” i.e., the name “does not match Social Security Administration’s records.” On the other hand, the Social Security Administration has “verified” the name “Bocanegra,” yet “Bocanegra” is not party to this lawsuit. The undersigned counsel is serving counsel for Plaintiffs with the result of a check with the Social Security Number Verification System.

Defendants do not oppose any motion brought by Plaintiffs for leave to amend their pleading and identify the Plaintiffs properly. Once that occurs, Defendants will produce the information required by the *Scheduling Order (FLSA Case)*. Nevertheless, it is up to counsel for Plaintiffs to identify his clients correctly.

**F. Rodriguez, Humberto**

1. Relevant Pay Period – From 05.22.24 to 10.25.24.
2. Rate of Pay – Regular rate is \$21.00 per hour. Overtime is \$31.50 per hour.
3. Wages Paid, Including Overtime Pay, If Any –

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
10.21.24 - 10.27.24	11.01.24	0,756.00

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
36 hours	0 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
10.14.24 – 10.20.24	10.25.24	2,005.50

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
<b>Defendants’ Verified Summary</b>	

40 hours 37 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
10.07.24-10.13.24	10.18.24	1,879.50

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
48 hours	33 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
09.30.24-10.06.24	10.11.24	1,092.00

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
40 hours	8 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
09.23.24-09.19.24	10.04.23	0,798.00

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
38 hours	0 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
09.16.24-09.22.24	09.27.24	1,690.50

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
40 hours	27 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
09.09.24-09.15.24	09.20.24	1,627.50

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
40 hours	25 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
09.02.24-09.08.24	09.13.24	0,588.00

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
28 hours	0 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
08.26.24-09.01.24	09.06.24	0,735.00

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
35 hours	0 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
08/19.24-08.25.24	08.30.24	1,659.00

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
40 hours	26 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
08.12.24-08.18.24	08.23.24	1,722.00

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
40 hours	28 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
08.05.24-08.11.24	08.16.24	1,627.50

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
40 hours	25 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
07.29.24-08.04.24	08.09.24	0,735.00

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
35 hours	0 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
07.22.24-07.28.24	08.02.24	2,005.50

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
Defendants' Verified Summary	

40 hours 37 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
07.15.24-07.21.24	07.26.24	1,533.00

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
40 hours	22 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
07.08.24-07.14.24	07.19.24	1,407.00

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
40 hours	18 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
07.11.24-07.07.24	07.12.24	1,596.00

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
40 hours	24 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
06.24.24-06.30.24	07.05.24	1,470.00

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
40 hours	20 hours

<u>Workweek</u>	<u>Pay Date</u>	<u>Gross Pay</u>
06.17.24-06.23.24	06.28.24	1,407.00

<u>Regular Hours Worked</u>	<u>OT Hours Worked</u>
40 hours	18 hours

Workweek      Pay Date      Gross Pay

06.10.24-06.16.24      06.21.24      0,934.50

Regular Hours Worked      OT Hours Worked

40 hours      3 hours

Workweek      Pay Date      Gross Pay

06.03.24-06.09.24      06.14.24      1,627.50

Regular Hours Worked      OT Hours Worked

40 hours      25 hours

Workweek      Pay Date      Gross Pay

05.27.24-06.02.24      06.07.24      1,155.00

Regular Hours Worked      OT Hours Worked

40 hours      10 hours

Workweek      Pay Date      Gross Pay

05.20.24-05.26.24      05.31.24      0,399.00

Regular Hours Worked      OT Hours Worked

19 hours      0 hours

**G. Steele, Danny**

1. Relevant Pay Period – from 04.13.23 to 05.19.23

2. Rate of Pay – \$1,000 per week plus money for personal truck and tools.
3. Wages Paid, Including Overtime Pay, If Any –

<u>Pay Date</u>	<u>Amount</u>
05.22.23	1,400.00
05.17.23	1,200.00
05.05.23	1,100.00
05.01.23	1,200.00
04.26.23	1,000.00
04.17.23	1,200.00

**H. Steele, Tommy**

1. Relevant Pay Period – 04.01.23 to 10.30.24
2. Rate of Pay -- \$4,000 gross per week, except for weeks when he did not work.
3. Wages Paid, Including Overtime Pay, If Any -- \$4,000 gross per week, except for weeks when he did not work.

**I. Tosh, Garland**

1. Relevant Pay Period – from 04.29.24 to 10.15.24.
2. Rate of Pay -- \$400.00 per day.
3. Wages Paid, Including Overtime Pay, If Any –

<u>Pay Date</u>	<u>Amount</u>	<u>Pay Date</u>	<u>Amount</u>
10.21.24	0,800.00	08.12.24	2,800.00
10.14.24	2,400.00	08.05.24	2,400.00
10.07.24	1,200.00	07.29.24	2,400.00

09.30.24	2,000.00	07.22.24	2,200.00
09.23.24	2,400.00	07.15.24	0,800.00
09.16.24	2,600.00	07.08.24	2,000.00
09.09.24	1,750.00	07.01.24	2,000.00
09.02.24	2,400.00		
08.26.24	2,600.00		
08.19.24	2,600.00		

**II. “Serve ... (but not file)”**

The *Scheduling Order* also reads in pertinent part, “Defendant[s] shall also serve on Plaintiff[s] (**but not** file) a copy of all time sheets and payroll records that support or relate to the time periods in the Verified Summary.” (Bold font and italics in original). Counsel for Defendants certifies that Defendants have complied with this requirement by serving via email seventy-seven pages of documents (by and through their counsel).

Date: March 3, 2025.

Respectfully submitted,

*/s/ Wade A. Forsman*

By: \_\_\_\_\_

**Wade A. Forsman**  
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**Attorney for Defendants Drebco Directional,  
LLC, Dreben Gearner, III, and Kara Gearner**

**Certificate of Service**

I certify that on **Monday, March 3, 2025**, a true and correct copy of the above and foregoing document was served upon all counsel of record via the Court's CM/ECF system.

*/s/ Wade A. Forsman*

Wade A. Forsman

**Unsworn Declaration Under Penalty of Perjury**  
**Pursuant to 28 U.S.C. § 1746**

1. My name is Kara Lynn Gearner. I am over 21 years of age and am fully competent to make this declaration. I have personal knowledge of all facts recited herein and state that such facts are true and correct.
2. I am an authorized agent for Drebco Directional, LLC.
3. I have reviewed the information contained in Parts "A" through "I" of this document as an authorized agent for Drebco Directional, LLC, and I am authorized to make this declaration on Drebco Directional, LLC's behalf. The information provided in Parts "A" through "I" is based either on my personal knowledge or Drebco Directional, LLC's records. In particular, where I do not have personal knowledge, I have determined that the information set out in Parts "A" through "I" was found from the records of Drebco Directional, LLC, and I believe that information is true and correct to the best of my knowledge.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on Monday, March 3, 2025.



KARA LYNN GEARNER